

United States Court of Appeals
FOR THE EIGHTH CIRCUIT

No. 02-1667

United States of America,

Appellee,

v.

Malik Jarmon,

Appellant.

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Appeal from the United States
District Court for the
District of Nebraska.

[UNPUBLISHED]

Submitted: June 18, 2002

Filed: June 21, 2002

Before LOKEN, BYE, and RILEY, Circuit Judges.

PER CURIAM.

Malik Jarmon appeals the sentence imposed by the district court¹ upon his guilty plea to a drug offense. Pursuant to Anders v. California, 386 U.S. 738 (1967), counsel has moved to withdraw and has filed a brief challenging the harshness of Jarmon's 70-month prison sentence. We affirm.

We will not entertain counsel's argument because Jarmon entered into a plea agreement wherein he specifically agreed to the prison sentence he received. See

¹The Honorable Lyle E. Strom, United States District Judge for the District of Nebraska.

United States v. Nguyen, 46 F.3d 781, 783 (8th Cir. 1995) (defendant who voluntarily exposes himself to specific sentence may not challenge that punishment on appeal). Further, Jarmon's sentence was within the applicable and unobjected-to Guidelines range. See United States v. Woodrum, 959 F.2d 100, 101 (8th Cir. 1992) (per curiam) (sentence is not reviewable merely because it is at top of properly calculated Guidelines range).

Having reviewed the record independently pursuant to Penson v. Ohio, 488 U.S. 75 (1988), we find no nonfrivolous issues.

Accordingly, we affirm, and we grant counsel's motion to withdraw.

A true copy.

Attest:

CLERK, U.S. COURT OF APPEALS, EIGHTH CIRCUIT.